

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

CLERK'S OFFICE  
U.S. DISTRICT COURT  
SAN JUAN, P.R.

2022 OCT 31 AM 10:04

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO  
RICO,

as representative of

THE COMMONWEALTH OF PUERTO  
RICO, et al.,

Debtors.<sup>1</sup>

PROMESA  
Title III

No. 17 BK 3283-LTS  
(Jointly Administered)

**CARLOS LAMOUTTE'S MOTION FOR LEAVE TO FILE A MOTION  
REQUESTING THE ENTRY OF AN ORDER PROVIDING FOR THE  
DISCOVERY OF EVIDENCE AND RESERVATION OF RIGHTS**

**To the Honorable United States District Judge Laura Taylor Swain:**

Citizen Carlos Lamoutte (the "Movant"), appearing *pro se*, hereby respectfully petitions the Court to authorize the Movant to file a motion to petition the Court to enter an order providing for the discovery of evidence in relation to the unresolved conflicts of interest incurred by McKinsey & Company Puerto Rico Consulting, Inc. and its affiliates (collectively, "McKinsey") and the law firm O'Neill & Borges LLC ("O&B"), respectively, both of whom

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<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the "Commonwealth") (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations.)

serve as advisors to the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), the sole representative of the Commonwealth of Puerto Rico, the Puerto Rico Electric Power Authority (“PREPA”), and other covered instrumentalities in these Title III proceedings. In connection therewith, the Movant respectfully states and prays as follows:

1. The Movant re-affirms and re-asserts that McKinsey and O&B have failed to make clear and transparent disclosures to the Court and to the U.S. Trustee Program under the Puerto Rico Recovery Accuracy in Disclosures Act of 2021, 48 U.S.C. 2101 et seq. (hereinafter, “PRRADA”) and supplemental bankruptcy procedure disclosure standards in relation to: (a) the pleadings as to McKinsey which are the subject matter of Docket Entry Numbers 20,832, 20,989, 22,025, 22,035, 22,090, 22,146, 22,216, 22,232, 22,320, 22,401, 22,404, 22,468, 22,487 and 22,756; and (b) the pleadings as to O&B which are the subject matter of Docket Entry Numbers 20,873, 20,923, 20,946, 20,959, 21,094, 21,096, 21,124, 21,485, 21,572, 21,604, 21,854, 21,925, 21,938, 21,970, 21,975, 21,989, 21,990, 22,020, 22,090, 22,146, 22,419 and 22,485 (collectively, the “PROMESA Disqualification Pleadings”).

2. In compliance with the Orders issued by the Court on October 4, 2022, Docket Entry Numbers 22,485 and 22,487, the Movant hereby seeks authorization from the Court to file a motion requesting the Court to enter an order providing for the discovery of evidence relating to the conflicts of interest which are the subject matter of the PROMESA Disqualification Pleadings (the “Discovery Order”).

3. To the extent that verified disclosure statements filed to date by McKinsey<sup>2</sup> and by O&B<sup>3</sup> fail to address the nature and extent of their respective connections to several private

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<sup>2</sup> See Docket Entry Numbers 21,485 and 21,925.

<sup>3</sup> See Docket Entry Numbers 20,832, 20,989 and 22,756.

clients that maintain large-scale contracts with the Commonwealth of Puerto Rico, PREPA, and other covered instrumentalities in this case, as required by PRRADA, including, but not limited to, AES Ilumina, LLC and AES Puerto Rico, L.P., EcoEléctrica, L.P. and Gas Natural Aprovevisionamientos SDG, S.A. d/b/a Naturgy, New Fortress Energy LLC d/b/a NFEnergía LLC, Puma Energy Caribe, LLC, PR Recovery and Development JV, LLC, PR Recovery and Development REO, LLC, Parliament Capital Management, LLC, Parliament High Yield Fund, LLC, Island Portfolio Services, LLC, among others (collectively, the “Conflict Parties”), the entry of a Discovery Order is entirely proper and relevant to the speedy resolution of the instant controversies under PRRADA.

4. During the course of these Title III proceedings, the Movant has identified several knowledge witnesses who are available to testify as to McKinsey’s and O&B’s role in supporting the Conflict Parties during the same time period in which McKinsey and O&B have also served as advisors to the Oversight Board. Some of the aforesaid knowledge witnesses are either current or former employees of the Government of Puerto Rico and of the Oversight Board requiring whistleblower protection.

5. In order to preserve the testimony of such knowledge witnesses, the Movant hereby seeks the Court’s authorization to file its request for the entry of the Discovery Order.

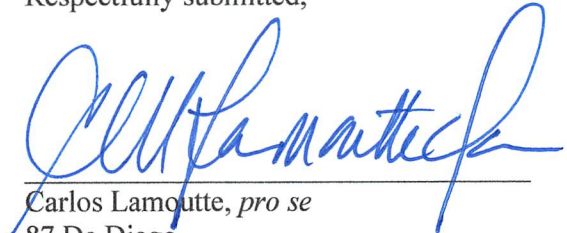
6. To buttress the pertinence of the Movant’s petition for the discovery of evidence, the Court must note that all business dealings that the Conflict Parties undertake in Puerto Rico – *with or without the support of McKinsey and O&B* – directly and exclusively relate to large-scale government contracts awarded by the Commonwealth of Puerto Rico and its instrumentalities (including the embattled PREPA) under the supervision of the Oversight Board and the jurisdiction of the Court in this Title III Case.

7. By intentionally not making clear and transparent disclosures in this Title III case as to the Conflict Parties, McKinsey, O&B and the Oversight Board are looking to induce the Title III court to issue an incorrect ruling under PROMESA and PRRADA. Thus, the entry of a Discovery Order to preserve the testimony of witnesses having knowledge of McKinsey's and O&B's conflicts of interest is merited to speedily resolve the instant controversies under PRRADA.

**WHEREFORE**, the Movant hereby respectfully petitions the Court to enter an Order authorizing the Movant to file a motion to petition the Court for the entry of a Discovery Order in substantially the form attached hereto as **Exhibit A**.

Dated: November 1, 2022  
San Juan, Puerto Rico

Respectfully submitted,



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**EXHIBIT A**

**PROPOSED ORDER**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO  
RICO,

as representative of

THE COMMONWEALTH OF PUERTO  
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Debtors.

PROMESA  
Title III

No. 17 BK 3283-LTS  
(Jointly Administered)

**ORDER AUTHORIZING CARLOS LAMOUTTE TO FILE MOTION IN REQUEST  
OF THE ENTRY OF AN ORDER PROVIDING FOR THE  
DISCOVERY OF EVIDENCE**

On November 1, 2022, Citizen of Puerto Rico Carlos Lamoutte (the “Movant”) filed a motion requesting leave to file a motion petitioning the Court for the entry of an order providing for the discovery of evidence in relation to certain pleadings identified therein (the “Motion”).

The Motion is hereby granted.

The Movant is ordered to file the relevant Motion within twenty-four (24) hours of the date of notice of this Order.

SO ORDERED.

Dated: November \_\_\_\_, 2022

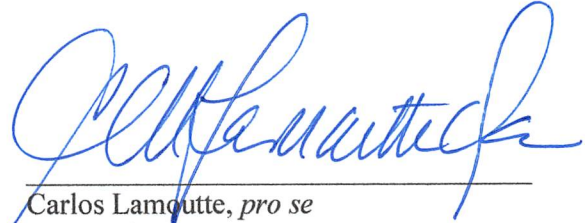
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Laura Taylor Swain  
United States District Judge

**Certificate of Service**

I hereby certify that, on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notifications of such filing to all CM/ECF participants in this matter.

In San Juan, Puerto Rico, this 1st day of November 2022.



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